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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,308	06/07/1999	YI-HWA CHU	60.130-464	4030

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EXAMINER

ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

9

Notification of Non-Compliance With 37 CFR 1.192(c)	Application No. 09/326,308	Applicant(s) CHU, YI-HWA	
	Examiner Gregory J. Strimbu	Art Unit 3634	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 15 October 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

The appeal brief is defective because the applicant has failed to properly argue the claims in accordance with the grouping of the claims. The applicant stated that claims 25, 36, 37 and 38 do not stand or fall together for the double patenting rejection. The applicant, however, failed to argue why claims 25, 36, 37 and 38 are separately patentable. Additionally, the applicant stated that, for the double patenting rejection, claims 20, 21 stand or fall together and that claims 22-24 stand or fall together. The applicant, however, failed to argue why the two groups of claims 20, 21 and 22-24 are separately patentable. Finally, the applicant has not properly argued the claims under a separately heading for each issue. For example, with respect to claim 37, the applicant argues three issues under one heading. See page 16 of the brief. The applicant should provide arguments for all of the claims that were rejected under 102(b) under one heading. In other words, the separate arguments for claims 37 and 38 should be placed under the first heading on page 11 of the brief.

GREGORY J. STRIMBU
PRIMARY EXAMINER

